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MAR 31 2015	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA  
AND THE STATE OF NEVADA *ex rel.*  
MARY KAYE WELCH,

Plaintiffs,

v.

MY LEFT FOOT CHILDREN'S  
THERAPY, LLC,

ANN MARIE GOTTLIEB,

JONATHAN GOTTLIEB,

Defendants.

Case No.: 2:14-cv-01786-MMD-GWF

**FILED EX PARTE  
AND UNDER SEAL**

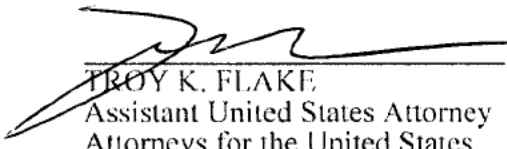
**UNITED STATES' AND STATE OF NEVADA'S SECOND *EX PARTE* APPLICATION FOR  
A TWO-MONTH EXTENSION OF TIME TO CONSIDER ELECTION TO INTERVENE**

Plaintiff-Relator Mary Kaye Welch (Relator), filed this action under the Federal False Claims Act, 31 U.S.C. § 3729-33, and the Nevada False Claims Act, NRS 357.040(b), on or about October 28, 2014, on behalf of the United States and the State of Nevada (the "Governments"), against Defendants My Left Foot Children's therapy LLC, Ann Marie Gottlieb, and Jonathan Gottlieb (Defendants). Relator served her complaint and disclosure statement on the Governments on or about October 30, 2014. On January 2, 2015, the Court granted an extension of the deadline for the Governments to decide whether to intervene in this matter to March 31, 2015. The Governments request an additional two months, to and including Friday, May 29, 2015, to decide whether to intervene in this matter. This is the Governments' second extension request.


As discussed in the memorandum in support, filed *ex parte* and *in camera*, this extension is necessary for the Governments to advance their investigation of the Relator's allegations. Counsel for the United States conferred with counsel for Relator and has been advised that the Relator does not oppose an application for an extension of time. A form of order is also attached hereto.

Dated this 31st day of March, 2015.

DANIEL G. BOGDEN  
United States Attorney

  
TROY K. FLAKE  
Assistant United States Attorney  
Attorneys for the United States

ADAM PAUL LAXALT  
Nevada Attorney General

  
MARK KEMBERLING  
Chief Deputy Attorney General  
Attorneys for the State of Nevada

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF  
UNITED STATES' AND STATE OF NEVADA'S SECOND *EX PARTE* APPLICATION FOR A  
TWO-MONTH EXTENSION OF TIME TO CONSIDER ELECTION TO INTERVENE**

The United States and the State of Nevada (the "Governments") respectfully submit this memorandum, *ex parte* and *in camera*, in support of their application for a six-month extension of time to consider the election to intervene in this qui tam action. The Governments require additional time to investigate this matter.

Relator was employed as a speech and language pathologist by Defendants. The Defendants provide various therapy services to children through My Left Foot Therapy LLC. Relator alleges that Defendants submitted false or fraudulent claims to Medicaid by treating children who did not medically qualify for treatment and submitting false medical documentation to secure Medicaid authorization for treatment.

The Federal False Claims Act permits a private party (a relator) to bring suit to recover damages allegedly suffered by the United States due to fraud. Under this statute, the action remains under seal for 60 days from service on the United States of the complaint and written disclosure statement. During this 60 day period, the United States may elect to intervene and assume primary responsibility for the litigation. The evaluation time may be extended at the request of the United States upon a showing of good cause. 31 U.S.C. §3730(b)(2) and (3). The Nevada False Claims Act contains a similar provision. NRS § 357.110(1). Good cause exists in this case to extend the evaluation period.

This case contains complex allegations relating to thousands of claims. The Governments have assembled investigative teams to review these claims, which now involve Medicaid and Tricare. Counsel for the Governments interviewed the relator on January 27, 2015. The Governments are now working with the Relator to obtain additional documents in the Relator's possession which relate to the Relator's claims. After these records are received, they will be reviewed by the investigative teams and additional investigation will be pursued, if necessary.

Finally, the Governments request that the Court continue to keep the Complaint in this action under seal, pending the completion of the additional investigation and analysis necessary in this case.


1 Accordingly, the Governments request that the intervention deadline in this case be extended  
2 from March 31, 2015, to and including Friday, May 29, 2015; and the Complaint and other pleadings be  
3 kept under seal during that period. Counsel for the Relator has informed the United States that Relator  
4 does not object to an extension of the seal period for purposes of further investigation.

5 CONCLUSION


6 For all of the above reasons, the United States and the State of Nevada respectfully request that  
7 this *Ex Parte* Application For A Two-Month Extension Of Time To Consider Election To Intervene be  
8 granted.

9 Dated this 31<sup>st</sup> day of March, 2015.

10 DANIEL G. BOGDEN  
11 United States Attorney

12   
13 TROY K. FLAKE  
14 Assistant United States Attorney  
15 Attorneys for the United States

16 ADAM PAUL LAXALT  
17 Nevada Attorney General

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19 MARK KEMBERLING  
20 Chief Deputy Attorney General  
21 Attorneys for the State of Nevada  
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1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA )  
4 AND THE STATE OF NEVADA *ex rel.* )  
5 MARY KAYE WELCH, )

6 Plaintiffs, )

7 v. )

8 MY LEFT FOOT CHILDREN'S )  
9 THERAPY, LLC, )

10 ANN MARIE GOTTLIEB, )

11 JONATHAN GOTTLIEB, )

12 Defendants. )

Case No.: 2:14-cv-01786-MMD-GWF

**FILED *EX PARTE*  
AND UNDER SEAL**

13 **ORDER**

14 The Court having considered the Application by the United States and State of Nevada for a two-  
15 month extension of time, and finding good cause having been shown, it is hereby ORDERED that:

16 1. Said Application is GRANTED; and

17 2. The United State and the State of Nevada shall have up to and including May 29, 2015, in  
18 which to investigate this qui tam and make their determination on intervention; and

19 3. The Complaint, docket entries, and all related filings in this case, including the United  
20 States' and the State of Nevada's Application, shall otherwise REMAIN UNDER SEAL until and  
21 including May 29, 2015, or further Order of this Court; and

22 4. The Clerk of the Court shall serve a copy of this Order upon counsel for the United States  
23 only and shall not serve a copy of this Order upon Relator or her counsel in this action.

24 IT IS SO ORDERED

25 This \_\_ 1st \_\_ day of \_\_ April 2015.

26 

UNITED STATES DISTRICT JUDGE